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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the initial report of Pakistan*

1. The Committee considered the initial report of Pakistan (E/C.12/PAK/1) at its 30th to 32nd meetings (see E/C.12/2017/SR.30-32), held on 12 and 13 June 2017, and adopted the present concluding observations at its 47th meeting, held on 23 June 2017.

A. Introduction

2. The Committee welcomes the initial report submitted by the State party, despite the long delay in submission, and the supplementary information provided in the written replies to the list of issues (E/C.12/PAK/Q/1/Add.1). The Committee appreciates the constructive dialogue held with the State party's high-level delegation.

B. Positive aspects

3. The Committee welcomes the ratification by the State party of:

(a) The Convention on the Rights of Persons with Disabilities, in 2011;

(b) The International Covenant on Civil and Political Rights, in 2010;

(c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2010;

(d) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2016, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2011.

4. The Committee welcomes the adoption by the State party of the Anti-Honour Killings Laws (Criminal Laws Amendment) Act, 2014, in 2016.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

5. The Committee is concerned that Covenant rights have not been fully incorporated into the domestic legal order and, in particular, that the Constitution of the State party does not recognize economic, social and cultural rights as fundamental rights that are justiciable, but recognizes them only as policy guidelines.

6. **The Committee recommends that the State party take all measures necessary to ensure that Covenant rights are fully incorporated into its domestic legal order with a**

* Adopted by the Committee at its sixty-first session (29 May–23 June 2017).

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constitutional rank equal to that of civil and political rights and to ensure that all these rights are applied by the domestic courts at all levels. It also recommends that the State party enhance training for judges, lawyers and public officials on the Covenant. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

Devolution of powers

7. The Committee notes that, through the eighteenth amendment to the Constitution, some powers of the federal government have been devolved to provincial and territorial governments, particularly in the areas of employment, social security, housing, health care and education. The Committee is concerned at the low and varying levels of financial and administrative capacity of the provincial and territorial governments, as well as at the lack of coordination between the federal and the provincial and territorial governments, which affect the enjoyment of economic, social and cultural rights and result in substantial geographical disparities.

8. **The Committee recommends that the State party take all measures necessary to strengthen the financial and administrative capacity of the provincial and territorial governments and to improve coordination among governments with a view to ensuring that people in the State party, regardless of their place of residence, enjoy Covenant rights on an equal basis, particularly in the areas of employment, social security, housing, health care and education.**

Data collection

9. While appreciating the efforts to update the national census, the Committee is concerned at the lack of data at the federal, provincial and territorial levels on people's enjoyment of economic, social and cultural rights in the country.

10. **The Committee recommends that the State party take all measures necessary to improve its data-collection system, including its national census, with a view to collecting comprehensive and comparative data, which would make it possible to assess the level of enjoyment of Covenant rights, particularly by disadvantaged and marginalized individuals and groups. It also recommends that the State party provide, in its next periodic report, the comparative annual statistical data necessary to assess the progressive realization of Covenant rights and ensure that such data are disaggregated by sex, age, geographical location, disability, religion and other status.**

National Commission for Human Rights

11. While welcoming the establishment of the National Commission for Human Rights, the Committee is concerned that it lacks independence and does not have the capacity to effectively carry out its mandate, as it is not in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In particular, it is concerned, despite the information provided by the State party, that a notification of the Government of 9 March 2017 has effectively brought the Commission under the supervision of the Ministry of Human Rights. It is also concerned about the letter of the Ministry of Human Rights dated 2 June 2017 denying the Commission the mandate to submit an independent report to United Nations bodies, including the treaty bodies, and about the recommendations made by the National Assembly's Standing Committee on Human Rights to the Ministry in relation to the Commission's recent engagement with a United Nations human rights treaty body.

12. **The Committee urges the State party to take all measures necessary to ensure that the Commission is able to fulfil its mandate while maintaining its independence from the executive and the legislative branches of government and that the Commission is protected from interference from any organs of the State. Reminding the State party that cooperation with the United Nations human rights system, including the human rights treaty bodies, is a core function of national human rights institutions, as prescribed in the Paris Principles, it recommends that the State party ensure that the mandate and responsibilities of the Commission are in line with the**

Paris Principles and that sufficient funding is allocated for its effective functioning. It also encourages the Commission to seek accreditation from the Global Alliance of National Human Rights Institutions.

Human rights defenders

13. The Committee is deeply concerned at repeated reports of abduction, killings and intimidation of human rights defenders, particularly those fighting for economic, social and cultural rights, allegedly committed in some cases by State agents, including members of military intelligence services.

14. **The Committee urges that the State party make every effort to protect human rights defenders from abduction, killings and intimidation; promptly and thoroughly investigate all reported cases of harassment, disappearance and killing of human rights defenders and bring the perpetrators to justice; and take all measures necessary to ensure a safe and favourable environment for human rights defenders and civil society actors. The Committee draws the attention of the State party to its statement on human rights defenders and economic, social and cultural rights (E/C.12/2016/2).**

Maximum available resources

15. The Committee is concerned at the very low level of public funding allocated to areas relating to Covenant rights, particularly employment, social security, housing, water and sanitation, health and education, which cannot be justified by the high levels of defence expenditure. It is also concerned that a large portion of the funding allocated for education remains unspent in some provinces. Furthermore, it is concerned that the tax-to-gross domestic product ratio of Pakistan is very low and that the tax regime of the State party, characterized by a limited tax base, a non-progressive tax system and a heavy reliance on indirect taxes, may not be effective in significantly increasing spending on Covenant rights (art. 2 (1)).

16. **The Committee calls upon the State party to take all measures necessary to substantially increase the level of public funding, at both the national and provincial levels, to ensure the progressive realization of economic, social and cultural rights. It also recommends that the State party review its tax regime with a view to increasing its tax revenue and ensuring that it does not put a disproportionate burden on persons belonging to low-income segments but contributes to the redistribution of income and wealth. It further recommends that the State party put into place mechanisms to ensure that funds allocated to areas relevant to Covenant rights are spent in a timely, effective and transparent manner.**

Corruption

17. The Committee is concerned, despite the measures taken by the State party to combat corruption, at the prevalence and magnitude of corruption cases involving high-level officials (art. 2 (1)).

18. **The Committee recommends that the State party:**

(a) **Strengthen the mechanisms and procedures for combating corruption at the federal and provincial levels;**

(b) **Ensure the effective investigation of all cases of corruption and the prosecution of those responsible;**

(c) **Ensure the effective protection of victims of corruption and their lawyers, anti-corruption activists, whistle-blowers and witnesses;**

(d) **Enhance anti-corruption education and awareness-raising of public officials and the general public.**

Non-discrimination

19. The Committee is concerned that the legal provisions regarding non-discrimination within the State party, including articles 25-27 of the Constitution, only prohibit discrimination on grounds of race, religion, caste, sex, residence or place of birth in respect of access to places of public entertainment or resort and places not intended for religious purposes only, as well as in respect of appointment to positions of public service. It is also concerned at the absence of comprehensive anti-discrimination legislation (art. 2).

20. **The Committee recommends that the State party consider revising articles 25-27 of the Constitution with a view to ensuring that the Constitution prohibits discrimination on all grounds, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation and gender identity or other status. It also recommends that the State party adopt comprehensive anti-discrimination legislation prohibiting all direct, indirect and multiple forms of discrimination, on any ground, and providing for effective remedies for victims of discrimination, including through judicial and administrative proceedings. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Criminalization of same-sex relations

21. The Committee is concerned that same-sex relations between consenting adults is criminalized (art. 2).

22. **The Committee recommends that the State party decriminalize same-sex relations between consenting adults and take the measures necessary to raise public awareness and combat discrimination based on sexual orientation and gender identity.**

Persons with disabilities

23. The Committee is concerned at the narrow definition of disability in the legislation, which limits the capacity of the State party to assess the situation of persons with disabilities and to develop effective policies to address the discrimination facing them in relation to the enjoyment of Covenant rights. It is also concerned at the lack of reasonable accommodation and personal assistance services for persons with disabilities and at the limited legal provisions aimed at ensuring the accessibility of public facilities and institutions, which seriously impede the enjoyment of economic, social and cultural rights by persons with disabilities (art. 2).

24. **The Committee recommends that the State party take the steps necessary to bring the definition of disability in its legislation into line with the Convention on the Rights of Persons with Disabilities and to include in its legislation denial of reasonable accommodation as a ground of discrimination. It also recommends that the State party carry out a nationwide study on the situation of persons with disabilities, collecting data disaggregated by sex, ethnicity and other social status.**

Afghan refugees

25. The Committee commends the State party for hosting about 1.5 million Afghan refugees and 1 million Afghans seeking asylum despite the challenges of security and natural hazards facing the country. The Committee is, however, concerned at the uncertain legal status of Afghan refugees whose proof of residence cards will expire on 31 December 2017 and the absence of a registration procedure for unregistered Afghans. It is also concerned about well-documented reports of police abuse, including beatings, seizures of proof of residence cards, demands of bribery, threats of deportation and arbitrary detention, against such people (art. 2).

26. **The Committee recommends that the State party ensure that all registered Afghan refugees are allowed to stay in the country until it is safe for them to return or resettle in another country. It also recommends that the State party reopen the registration procedure to allow unregistered Afghans residing in Pakistan to obtain legal residential status. It further recommends that the State party promptly and**

thoroughly investigate all alleged cases of police abuse against unregistered Afghans and bring those found guilty to justice. Moreover, it recommends that the State party adopt legislative and policy frameworks to provide protection for refugees, asylum seekers and stateless persons in compliance with international norms and standards.

Internally displaced persons

27. The Committee is concerned that millions of people have been displaced in the State party and that not enough data have been collected on internally displaced persons, nor has legislation or a comprehensive national policy on such persons been put into place. It is also concerned about the hardships faced by those living in camps for internally displaced persons, particularly those in situations of protracted displacement; the high risk of women and girls being exposed to sexual abuse, harassment and trafficking; and the slow resettlement process (arts. 2 and 11).

28. **The Committee recommends that the State party:**

(a) **Adopt a legislative and policy framework on internally displaced persons based on reliable data;**

(b) **Improve the living conditions of internally displaced persons living in camps and ensure their access to health-care services, education and other public services;**

(c) **Accelerate the resettlement process;**

(d) **Protect women and girls from sexual abuse, harassment and trafficking, investigate any such cases, bring perpetrators to justice and provide the necessary assistance to victims.**

Persons belonging to minority groups

29. The Committee is concerned that persons belonging to minorities other than religious ones cannot enjoy their rights because the minority status of their groups has not been recognized under the domestic law of the State party (arts. 2 and 15).

30. **The Committee recommends that the State party take urgent legal measures to recognize the status of minorities other than religious ones, including racial, ethnic and linguistic minorities, in order to enable persons belonging to all minorities to enjoy their relevant rights and benefit from the policies and programmes designed for the protection of minority groups.**

Members of the "scheduled castes" or Dalits

31. The Committee remains concerned at well-documented reports of the continuing de facto discrimination and segregation facing members of the "scheduled castes" or Dalits and the entrenched stigma and prejudice against them (arts. 2, 6 and 13-14).

32. **The Committee recommends that the State party carry out a study on the situation of the "scheduled castes" or Dalits, with the participation of the members of that community and of relevant experts, and that it include information on the situation of Dalits in the country, including relevant statistical data, in its next periodic report. It also recommends that the State party take effective measures to eradicate stigma and prejudice against members of the "scheduled castes" or Dalits, including awareness-raising campaigns, and to combat discrimination against them, particularly in the employment and education sectors.**

Equality between men and women

33. The Committee is concerned at the provisions discriminating against women in the legislation of the State party. The West Pakistan Muslim Personal Law (Shariat) Act, 1962, for example, which permits polygamy and provides that a daughter is entitled to receive only half as much inheritance from her parents as a son would receive, contributes to the large gender disparity in landownership. The Qanun-e-Shahadat Order (Law of Evidence), 1984, stipulates that the value of women's court testimony is half that of a male witness. It

is also concerned that women are facing difficulties in seeking judicial remedies because law enforcement officials and judges lack awareness of women's rights, because women lack awareness of their own rights and of the judicial procedures to claim those rights, because women do not trust the justice system and because there is insufficient free legal assistance (art. 3).

34. **The Committee recommends that the State party:**

(a) **Review its legislation, including the West Pakistan Muslim Personal Law (Shariat) Act, 1962, and the Qanun-e-Shahadat Order (Law of Evidence), 1984, with a view to removing all provisions that discriminate on the basis of gender;**

(b) **Ensure that law enforcement officials and judges fully understand that women have equal rights under the Covenant;**

(c) **Enhance free legal assistance for women;**

(d) **Raise awareness among women about their rights, the judicial procedures and the assistance available to them.**

Representation of women in decision-making positions

35. The Committee is concerned that, despite some progress having been made in some sectors, the overall representation of women in decision-making positions remains low (art. 3).

36. **The Committee recommends that the State party intensify its efforts to increase women's representation in decision-making positions in all sectors, including by adopting temporary special measures and fully implementing them. It draws the attention of the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3).**

Unemployment and underemployment

37. The Committee is concerned at the high unemployment rates among women and youth. It is also concerned that over 73 per cent of workers are in the informal economy, a majority of whom are women, without labour or social protection. While noting employment quotas in the public sector for religious minorities, persons with disabilities and women, it is concerned at the very low level of quotas allocated to these groups relative to their share of the population, as well as at the absence of information on the implementation of these quotas (arts. 2-3 and 6).

38. **The Committee recommends that the State party take effective measures to facilitate the employment of women and youth, including by providing vocational training and education tailored to their experience and level of job skills to meet current labour market demands. It also recommends that the State party intensify its efforts to regularize the informal economy and to extend labour and social protection to workers in the informal economy. It further recommends that the State party increase the quotas for the groups mentioned above, taking into consideration their share of the total population, and fully implement the quotas.**

Gender pay gap

39. The Committee is concerned at the increase in the gender pay gap, from 34 per cent in 2008 to 39 per cent in 2015, which is very high. It is also concerned at the large disparity between men and women in terms of labour market participation, employment and education (art. 3).

40. **The Committee recommends that the State party intensify its efforts to reduce the gender pay gap and to make progressive improvements in this regard. It also recommends that the State party take all measures necessary to narrow the disparity between men and women in the enjoyment of economic, social and cultural rights, particularly in terms of labour market participation, employment and education.**

Right to just and favourable conditions of work

41. While noting that a national labour protection framework is being developed in the State party, the Committee is concerned at the lack of comprehensive legislative or policy frameworks on labour protection (art. 7).

42. **The Committee recommends that the State party ensure that the national labour protection framework currently being developed is in line with article 7 of the Covenant and other relevant international labour standards. It also recommends that the State party adopt the framework expeditiously and implement it in all provinces and territories. It draws the attention of the State party to its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Minimum wages

43. The Committee is concerned that the minimum wages of the State party do not cover all workers and that they vary among provinces. The Committee is also concerned that the minimum wages are not sufficient to provide workers and their families with a decent living and that the level of compliance with the minimum wages is low (art. 7).

44. **The Committee recommends that the State party take all measures necessary to increase the number of workers who receive at least the minimum wage, to raise the minimum wages to ensure a decent living for all workers and their families and to strengthen the enforcement of minimum wages in all its provinces and territories.**

Bonded labour

45. The Committee is concerned that, despite the adoption of the Bonded Labour System (Abolition) Act, 1992, the practice of bonded labour continues to exist, particularly in the brick kiln and agriculture sectors; that perpetrators of violations of the Act are rarely punished because few judges in the lower courts are aware of the Act and because of the complicity of the police; and that the lack of other means of living for workers in such situations push them back into a cycle of debt bondage (art. 7).

46. **The Committee recommends that the State party take all measures necessary to tackle the root causes of bonded labour; provide victims of bonded labour with a sustainable means of living; reinforce the enforcement of the Act by strengthening labour inspections and increasing the penalties for perpetrators and public officials complicit in violations of the Act; and enhance the understanding of judges, particularly those in the lower courts, of the Act.**

Occupational health and safety

47. The Committee is concerned at the high frequency, and the devastating scale of, occupational accidents, including the fire at a textile factory in Karachi in 2012, which killed about 300 workers. It is also concerned at the high number of cases of occupational diseases, such as silicosis among those working for stone-crushing companies in Gujranwala. Furthermore, it is concerned at the absence of the framework legislation on occupational safety and health and the extremely small number of labour inspectors (arts. 7 and 12).

48. **The Committee recommends that the State party:**

(a) **Ensure that the draft occupational safety act is in compliance with the Covenant and other international labour norms and standards, and ensure that the act is strictly enforced once adopted;**

(b) **Increase the number of labour inspectors, enhance their capacities and strengthen the labour inspection system;**

(c) **Provide victims of occupational accidents and diseases with access to adequate compensation and remedies.**

Trade union rights

49. The Committee is concerned that the unionization rate is extremely low and that the legislation on trade unions, including the Industrial Relations Act, 2012, is very restrictive. The law does not cover all workers and grants collective bargaining rights only to unions whose membership consists of one third of all employees (art. 8).

50. **The Committee recommends that the State party take all legislative and other measures necessary to provide an enabling environment for workers to freely form and participate in trade unions and exercise their union rights.**

Right to social security

51. The Committee regrets the lack of comprehensive information on the social security schemes of the State party, including contributory and non-contributory, public and private schemes. It is concerned that a majority of workers, including those in the formal economy, are not covered by social security programmes. For example, the participation rate in the Employees' Old Age Benefit Institution is very low, below 10 per cent. It is also concerned that the State party has not established a social protection floor (arts. 9 and 11).

52. **The Committee recommends that the State party take all measures necessary to improve its social security schemes, including the Employees' Old Age Benefit Institution, with a view to progressively covering all workers in the country and providing a sufficient level of benefits to enjoy an adequate standard of living. It also recommends that the State party establish a nationally defined social protection floor in consultation with all relevant stakeholders. It requests the State party to provide comprehensive information on the social security schemes of the State party in its next periodic report. It draws the attention of the State party to its general comment No. 19 (2007) on the right to social security and to its statement on social protection floors (E/C.12/2015/1).**

Protection of the family, mothers and children

53. The Committee is concerned that the legislative framework is insufficient to provide for the protection of all women, particularly Hindu and Christian women, in relation to marriage, divorce, custody and inheritance (arts. 3 and 10).

54. **The Committee recommends that the State party take urgent measures to adopt a legislative framework relating to marriage, divorce, custody and inheritance that is in line with international norms and standards, with a view to providing effective and equal legal protection for all women, particularly Hindu and Christian women, in Pakistan. It also recommends that the State party make every effort to fully enforce the legislative framework once adopted and to raise the awareness of the public, as well as of law enforcement and judicial officials, thereon.**

Minimum age for marriage

55. The Committee is concerned that the minimum age for marriage for girls varies across provinces and that some provinces have set it at 16 years (arts. 3 and 10).

56. **The Committee recommends that the State party intensify its efforts to adopt legislation prohibiting the marriage of all persons, both male and female, below 18 years, in line with the Covenant and other international human rights conventions.**

Forced conversion and forced marriage

57. The Committee is concerned that the practices of forced conversion of non-Muslim women and forced marriage continue. It is particularly concerned that the proposed amendment to the Child Marriage Restraint Act, 1929, has been declared un-Islamic by the Council of Islamic Ideology and that efforts to enact a law to prevent forced conversion have been blocked by the Council (arts. 3 and 10).

58. **The Committee recommends that the State party prohibit the forced conversion of a person from his/her belief without his/her consent.**

Violence against women and domestic violence

59. The Committee is concerned that, despite many efforts made by the State party, various forms of violence against women, including so-called honour killings, acid attacks and gang rapes, continue to occur. It is also concerned at the very low level of reporting of domestic violence and other forms of violence against women and the very small number of shelters for victims of such violence (arts. 3 and 10).

60. **The Committee recommends that the State party intensify its efforts to:**

(a) **Effectively enforce the anti-honour killings laws and all other relevant laws criminalizing violence against women and monitor their enforcement;**

(b) **Promptly investigate cases of violence against women and punish the perpetrators with penalties commensurate with the gravity of the offences;**

(c) **Take all necessary and effective measures to raise the awareness of the police, prosecutors, judges and journalists on the various forms of violence against women and women's rights under the Covenant and provide systematic nation-wide training;**

(d) **Ensure that women and girls are aware of their rights under the Covenant, that victims of domestic violence and other forms of violence can freely report their cases to the police and that they are treated with respect; also ensure that victims get all the necessary legal, medical, financial and psychological support, including through the establishment of sufficient numbers of counselling centres and shelters throughout the State party;**

(e) **Promote as far as possible the presence of women police officers to deal with complaints of gender-based violence.**

Birth registration

61. The Committee is concerned at the very low level of birth registration and often delayed registration, particularly in Balochistan, which seriously limits the ability of those persons without birth certificates to enjoy their economic, social and cultural rights (art. 10).

62. **The Committee recommends that the State party take all effective measures to ensure that all children are registered at birth and step up its efforts to register those adults without a birth certificate.**

Economic exploitation of children

63. The Committee is concerned that the minimum age for labour is set at 14 years while the Constitution guarantees free compulsory education up to 16 years of age. It is also concerned that, according to official data, over 2 million children aged between 10 and 14 years are working and that 28 per cent of them are engaged in hazardous work. Moreover, most of these children are out of school. It is further concerned at the working conditions of children, most of whom work in agriculture, with brick kilns, in coal mining, in the street and in domestic settings, and at the high risk faced by these children of exposure to sexual and economic exploitation (arts. 7, 10 and 13-14).

64. **The Committee recommends that the State party:**

(a) **Strengthen its legislation prohibiting child labour and the enforcement of such legislation, including by enhancing labour inspections of child labour;**

(b) **Ensure that those persons who exploit children for labour are prosecuted and punished;**

(c) **Adopt all appropriate measures to facilitate the recovery of working children and their access to educational opportunities and provide adequate support to their families;**

(d) **Undertake a national survey on the nature and extent of child labour.**

Poverty

65. While recognizing the reduction in the levels of poverty during the past 15 years, the Committee is concerned that a very high proportion of persons continue to live in poverty in the State party, especially in certain regions, for example in Sindh, in the Federally Administered Tribal Areas and in Balochistan. While welcoming the adoption of the Benazir Income Support Programme and the gradual increase in its coverage, it remains concerned that over 1 million eligible people are still not covered, that the cut-off score used to identify beneficiaries does not reflect the poverty line but is based, rather, on the fiscal capacity of the State party and that the amount awarded is not sufficient to ensure an adequate standard of living for beneficiaries (arts. 9 and 11).

66. **The Committee urges the State party to make every effort to combat poverty and improve the Benazir Income Support Programme, in particular by:**

(a) **Ensuring that the Programme is rights-based, clearly informing potential beneficiaries about their right to claim benefits and to challenge any decision resulting in their exclusion from the Programme;**

(b) **Covering all persons living in poverty, including by aligning the level at which people are eligible for benefits under the scheme with an objective poverty line;**

(c) **Continuing to increase the number of beneficiaries and make special efforts in regions with a higher incidence of poverty;**

(d) **Increase the amount of the benefits to ensure an adequate standard of living for the beneficiaries.**

Land rights

67. The Committee is concerned that, despite the reform efforts of the State party, there is an increasing trend of landownership concentration, which results in a large number of landless farmers and small-scale landholders living in poverty. It also exposes landless farmers to being severely exploited through feudal tenancy arrangements, such as sharecropping, in Sindh and Balochistan (arts. 7 and 11).

68. **The Committee recommends that the State party strengthen its agrarian reform programme with a view to benefiting landless farmers and small-scale landholders and that it promote their security of tenure and access to land, including by adopting the necessary normative reforms. It urges the State party to immediately take measures to address the situation of landless farmers, particularly those under the sharecropping tenancy arrangement and to prohibit tenancy arrangements of an exploitative nature.**

Right to adequate food and nutrition

69. The Committee is concerned that around 58 per cent of households are food insecure and nearly 30 per cent of the population is suffering from hunger. While welcoming the adoption of an infant and young child feeding strategy, it remains concerned at the insufficient implementation of the strategy owing to a lack of funding. It is particularly concerned about the fact that 44 per cent of children are stunted and 35 per cent of child deaths are related to malnutrition.

70. **The Committee recommends that the State party take all steps necessary to address persisting acute hunger and malnutrition and, in particular, the critical nutritional needs of infants and children. It also recommends that the State party allocate sufficient resources for the full implementation of the infant and young child feeding strategy and that it adopt a legislative framework protecting the right to adequate food and nutrition and a national action plan on food security and nutrition that is in line with the Committee's general comment No. 12 (1999) on the right to adequate food and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.**

Right to housing

71. The Committee is concerned at the acute shortage of adequate housing and the lack of financing programmes for low-income families. It is also concerned at the high number of persons living without legal tenure in urban informal settlements (*katchi abadis*), with limited access to basic services. It is further concerned that people without secure tenure in urban areas and people living in areas where development projects such as the Orange Metroline project in Lahore are being carried out are often subject to forced evictions without due process or adequate alternative housing or compensation (art. 11).

72. **The Committee recommends that the State party intensify its efforts to:**

(a) **Increase security of tenure by taking normative and policy measures, by increasing the number of social housing units and improving their maintenance, and by providing affordable financing programmes for low-income families;**

(b) **Improve living conditions in *katchi abadis*, including in terms of access to health, education and other public services;**

(c) **Regularize informal settlements, introduce or upgrade their basic infrastructure and improve living conditions therein;**

(d) **Bring the legal framework on eviction, especially affecting those without tenure or with insecure tenure, in line with international standards and ensure that, in case of eviction, the affected people are consulted prior to the eviction, that procedural safeguards are observed and that adequate alternative housing is provided;**

(e) **Consider the Committee's general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions, as well as the basic principles and guidelines on development-based evictions and displacement.**

Water and sanitation

73. While noting the progress made by the State party, the Committee remains concerned that a high number of people still have no access to safe drinking water and adequate sanitation facilities (art. 11).

74. **The Committee recommends that the State party intensify its efforts to increase access to safe drinking water and adequate sanitation facilities, including the full implementation of the National Drinking Water Policy 2009.**

Right to health

75. The Committee is concerned at the very low level of public funding allocated to the health sector, at the insufficient coverage of the National Health Insurance Programme and at the weak public health system, which has led to a heavy reliance on private health services. It is particularly concerned at the high maternal and infant mortality rates.

76. **The Committee recommends that the State party make every effort to increase public expenditure in the health sector, to further expand the coverage of the National Health Insurance Programme, to strengthen its public health system with a view to providing free quality basic health services to all, including disadvantaged and marginalized individuals, and to reduce the maternal, infant and under-5 mortality rates.**

Sexual and reproductive health

77. The Committee is concerned that abortion is criminalized in the State party except when the life of a mother is at risk, which has led to a very high incidence of unsafe clandestine abortions. This has in turn led to many women suffering from life-threatening complications that in more than 5 per cent of cases have resulted in death. It is also concerned that about half of pregnancies are not intended and that women have limited access to sexual and reproductive health services and information thereon.

78. **The Committee recommends that the State party:**

(a) **Amend its legislation on abortion to ensure its compatibility with other fundamental rights, such as women's rights to life and physical and mental health, that it broaden the permitted circumstances for legal abortion and that it not make women undergoing abortion criminally liable;**

(b) **Ensure that women are able to easily access post-abortion health-care services;**

(c) **Take effective measures to empower women to decide upon the number and spacing of births;**

(d) **Improve women's and men's access to sexual and reproductive health information and services, including by making contraceptives available and accessible to all and placing emergency contraceptives on the list of essential medicines;**

(e) **Consider the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health.**

Right to education

79. The Committee welcomes the inclusion of the right to education in the chapter of the Constitution on fundamental rights and notes the internal security challenges facing the State party, which have a significant adverse impact on children's right to education. The Committee is, however, concerned at:

(a) The very low net enrolment rates at all levels of education, including the preschool, primary and secondary levels, with large disparities between girls and boys, children in urban and rural areas, and children from high-income and low-income families;

(b) The high number of out-of-school children and adolescents, despite a decreasing trend in recent years;

(c) The low level of educational outcomes;

(d) The inadequacy of school facilities;

(e) The poor quality of education due to the lack of qualified teachers and their absenteeism, as well as the lack of suitable learning materials such as textbooks in public schools in rural and urban slum areas;

(f) The increase in the already very high adult illiteracy rate (from 54 per cent in 2008 to 57 per cent in 2015), particularly among women;

(g) The absence of inclusive education for children with disabilities;

(h) The continuing terrorist attacks on students, teachers and schools and the use of schools by the military, particularly in the Federally Administered Tribal Areas and Balochistan (arts. 13-14).

80. **The Committee recommends that the State party intensify its efforts to ensure that all children enjoy, without discrimination, the right to education, which will empower children, particularly those disadvantaged and marginalized, to lift themselves out of poverty and obtain the means to participate fully in their communities and national life. It also recommends that the State party take all measures necessary to:**

(a) **Increase the enrolment rates at all levels of education, particularly the primary level, paying special attention to girls, children living in rural areas and children from low-income families;**

(b) **Reduce the number of out-of-school children, including through coordination with policies on child labour;**

(c) **Improve educational outcomes;**

(d) **Improve school facilities, particularly with respect to water, sanitation and electricity;**

(e) **Securing a sufficient number of qualified teachers and improve the quality and increase the quantity of learning materials;**

(f) **Increase educational programmes appropriate for and adequate to the needs of illiterate adults, paying special attention to women;**

(g) **Develop a legislative and policy framework on inclusive education for children with disabilities and provide such education;**

(h) **Enhance security of schools, provide an alternative teaching space in case of an attack and immediately and completely ban the use of schools by military forces. The Committee invites the State party to endorse the safe schools declaration and commit to using the guidelines for protecting schools and universities from military use in armed conflict of the Global Coalition to Protect Education from Attack;**

(i) **Consider the Committee's general comment No. 13 (1999) on the right to education (art. 13).**

Privatization of education

81. The Committee notes that the State party is implementing the Basic Education Community Schools programme and that, under this programme, the number of so-called "low-fee" private schools has increased drastically throughout the country through the establishment of public-private partnership initiatives. It also notes the information provided by the State party indicating that the cost-benefit ratio of projects implemented under the Basic Education Community Schools programme is higher than that of government primary schools. The Committee, however, is concerned at:

(a) The absence of proper assessments of the impact of the Basic Education Community Schools programme and the public-private partnership initiatives on the right to education prior to their adoption, as well as of their effectiveness in realizing the right to education since their adoption;

(b) The lack of effective regulation by the State party, at the federal and provincial levels, of these low-fee private schools;

(c) The reportedly poor quality of education and teachers of these schools;

(d) The very high non-fee-related expenses of these schools, amounting to about a quarter of the household income per student, which disproportionately impedes girls' access to education;

(e) The reinforcement of social segregation in education caused by the privatization of education, as high-income families send their children to high-quality private schools while low-income families have to send their children to underfunded public primary schools or to schools operating in the framework of the Basic Education Community Schools programme and not properly monitored by the State party (arts. 13-14).

82. **The Committee reminds the State party that, before starting a privatization process, it must carry out a thorough human rights impact assessment if it is to live up to its legal obligation to progressively realize the right to education. The Committee recommends that the State party:**

(a) **Carry out an assessment of the impact of public-private partnership initiatives based on a human rights perspective and the effectiveness of low-fee private schools in meeting the State party's obligations under the Covenant;**

(b) **Strengthen the regulations on these schools and ensure their strict enforcement;**

(c) **Improve the quality of education provided by these schools;**

(d) **Ensure that no child drops out of school for not being able to pay non-fee-related expenses;**

(c) **Progressively eliminate social segregation in the education system by ensuring an education of equal quality to all children in all public and private schools.**

Human rights education

83. The Committee notes the contribution that madrassas have at times made to enhance access to education, particularly for disadvantaged and marginalized children, and the efforts made by the State party to close down a number of radical madrassas and to regulate the remaining ones. The Committee is, however, concerned at repeated reports that the curricula of some madrassas do not provide any education other than that based on the Qur'an and have content that may incite hatred against religious and ethnic minorities. It is also concerned that some textbooks and curricula used in Sindh and Punjab contain stereotyped images of religious and ethnic minorities (arts. 13-14).

84. **The Committee recommends that the State party monitor school curricula and textbooks, as well as practices in schools, at all levels, including in madrassas, to ensure that they promote the full development of the human personality of students. It also recommends that the State party intensify its efforts to reform madrassas. It further recommends that the State party incorporate human rights education in school curricula with a view to strengthening respect for human rights and fundamental freedoms. Furthermore, it recommends that the State party take appropriate measures to raise awareness among the public of human rights and, in particular, to raise the awareness of religious leaders of human rights and of their role in promoting understanding, tolerance and peaceful coexistence among different ethnic and religious groups.**

Cultural rights and linguistic diversity

85. While noting that more than 80 languages are spoken in Pakistan and that some of these languages are taught at schools in addition to Urdu and English, the Committee is concerned that frequently the mother tongues of students are not allowed as a medium of instruction in schools and that about 28 languages are in danger of extinction (arts. 13-15).

86. **The Committee recommends that the State party take all measures necessary to ensure that students are taught in their mother tongue at school, particularly at the primary level, to preserve those languages at high risk of extinction and to promote linguistic diversity.**

Access to the Internet

87. The Committee is concerned at the very low level of Internet access in the country, especially in rural areas (art. 15).

88. **The Committee recommends that the State party take all measures necessary to improve access to the Internet, especially in rural areas.**

D. Other recommendations

89. **The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

90. **The Committee recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

91. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and**

treating beneficiaries of public programmes as rights-holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.

97. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).

98. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the federal, provincial and territorial levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with the Human Rights Commission, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

99. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 18 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 12, 14 and 80 (a) and (b) above.

100. The Committee requests the State party to submit its second periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 30 June 2022. In addition, it invites the State party to submit its common core document, in accordance with the harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, chap. I).